

Commonwealth of Kentucky
Office of the Attorney General
Frankfort
August 1, 1972

The Honorable Joel Hirschhorn
Attorney at Law
1040 City National Bank Building
Miami, Florida 33130

Re: Roaden v. Commonwealth of Kentucky
U.S. Supreme Court Case No. 71-1184

Dear Mr. Hirschhorn:

In response to your letter of July 28, 1972, requesting our consent to your desire to write a brief as Amicus Curiae in the above-styled case, we do not consent to your intervention, since the issue which you suggest that you will brief is, in our opinion, outside of the scope of the question presented by the Supreme Court.

As you probably know, that question is: "In the absence of a prior adversary hearing, is the seizure, incident to an arrest, of allegedly obscene material a violation of due process of law?"

Thank you for writing the Attorney General.

Sincerely,

ED W. HANCOCK
ATTORNEY GENERAL

/s/ Robert V. Bullock
By: Robert V. Bullock
Assistant Attorney General

RVB/sd

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HARRIS AND WICKER
Attorneys at Law
120 North Main Street
Somerset, Kentucky 42501

July 31, 1972

Hon. Joel Hirschhorn
Attorney at Law
1040 City National Bank Building
Miami, Florida 33130

Re: Roaden vs. Commonwealth of Kentucky
U. S. Supreme Court Case No. 71-1134

Dear Mr. Hirschhorn:

I have your letter of July 27, 1972, in which you request our consent to your filing an Amicus Curiae Brief in the above case.

Before we consent to the filing of such Brief, I would like to know just what position you would take in such Brief. Would it be favorable to our client, Harry Roaden, or would it be favorable to the prosecution? Your letter advises the issues on which you intend to touch, and I have the impression that such Brief would be favorable to the position of our client. However, we have already refused to consent to the so-called Citizens for Decent Literature filing such a Brief, and we do not intend to consent to anyone filing a Brief Amicus Curiae contrary to the best interests of Harry Roaden.

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Our Brief in the Supreme Court has already been filed in this case and was filed May 30, 1972. However, the Commonwealth of Kentucky has received an extension of time to file its Brief until August 14, 1972.

Sincerely yours,

/s/Phillip K. Wicker
PHILLIP K. WICKER

PKW/PP